IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2194 OF 2003
IN
SUMMARY SUIT NO.995 OF 2003

Sunil Suman Kaushik .. Plaintiff.
V/s.
Broadcast Worldwide Ltd. .. Defendants.

Mr.P.R. Gyani i/b. Ms.Anjali Ganatra for the plaintiff.

Ms.Mosam Mody i/b. Anil Menon for the defendants.

CORAM : J.P. DEVADHAR, J.

DATED : 6TH SEPTEMBER, 2005.

P.C. :

1. This notice of motion is taken out by the defendants for referring the dispute in the suit to the sole arbitration of Mr.Rathikant Basu, Managing Director of the defendants as per the arbitration agreement contained in the letter of appointment dated November 6, 2000.

2. The very same contention was raised by the defendants in Summons for Judgment No.536 of 2003 taken out by the plaintiff and this Court by its order dated March 2, 2003 rejected the said contention and granted conditional leave to the defendants subject to deposit of the amount in this Court. The plaintiff was also given liberty to

withdraw the amount so deposited by the defendants on furnishing security to the satisfaction of the Prothonotary & Senior Master. In compliance of the said order, the defendants have deposited the amount in this Court. Since the issue regarding referring the matter to the arbitration was subject matter of the earlier proceedings and the same was rejected by this court, in my view it is not open to the plaintiff to agitate the issue once again in the present notice of motion.

3. The notice of motion is dismissed with no order as to costs.

(J.P. DEVADHAR, J.)